

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WESTERN NATIONAL MUTUAL
INSURANCE COMPANY,

Plaintiff,

v.

EXTREME DESIGN BUILDERS, INC., et
al.,

Defendants.

Case No. 23-cv-02727-EMC

**ORDER ADOPTING REPORT AND
RECOMMENDATION; AND DENYING
DEFENDANT'S MOTION TO DISMISS**

Docket Nos. 18, 21

Plaintiff Western National Mutual Insurance Company ("WNMIC") has filed suit against Defendants Extreme Design Builders, Inc. and Ibrahim Yilmaz. It asserts claims for, inter alia, breach of contract and equitable indemnity based on an alleged failure to comply with an indemnification agreement. On September 13, 2023, Mr. Yilmaz, proceeding pro se, filed a brief captioned "Opposition to Motion to Dismiss" in which he asked the Court to dismiss WNMIC's suit against him and his company. See Docket No. 18. Subsequently, Judge Kim issued a report and recommendation ("R&R") in which she recommended that the motion to dismiss be denied because Mr. Yilmaz had filed a motion to dismiss after he had already answered the complaint. See Docket No. 21 (R&R). Now pending before the Court is Judge Kim's R&R.


The Court has considered the R&R and finds it correct, thorough, and well reasoned. The Court therefore adopts it in its entirety. The Court also notes that, as WNMIC argued in a brief filed after the R&R issued, Mr. Yilmaz's motion to dismiss failed to explain how, based on the allegations in the complaint, WNMIC had failed to state a claim for relief.

For the foregoing reasons, the Court **DENIES** Mr. Yilmaz's motion to dismiss. The Court also notes for Mr. Yilmaz's benefit that, although he may represent himself, he is not permitted to

1 represent Extreme Design Builders, Inc. as it appears to be a corporation. See Civ. L.R. 3-9(b)
2 (“A corporation, unincorporated association, partnership or other such entity may appear only
3 through a member of the bar of this Court.”).

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5 **IT IS SO ORDERED.**

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7 Dated: October 13, 2023

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11 EDWARD M. CHEN
12 United States District Judge
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